



House of Representatives

General Assembly

File No. 350

February Session, 2018

Substitute House Bill No. 5158

House of Representatives, April 10, 2018

The Committee on Public Health reported through REP. STEINBERG of the 136th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT REQUIRING FOOD ALLERGY TRAINING IN RESTAURANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 19a-36i of the 2018 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective October 1, 2018*):

4 [(1)] (a) No person, firm or corporation shall operate or maintain
5 any food establishment where food or beverages are served or sold to
6 the public in any town, city or borough without obtaining a valid
7 permit or license to operate from the director of health of such town,
8 city or borough, in a form and manner prescribed by the director of
9 health. The director of health shall issue a permit or license to operate a
10 food establishment upon receipt of an application if the food
11 establishment meets the requirements of this section. All food
12 establishments shall comply with the food code.

13 [(2)] (b) All food establishments shall be inspected by a certified
14 food inspector in a form and manner prescribed by the commissioner.

15 The Commissioner of Public Health may, in consultation with the
16 Commissioner of Consumer Protection, grant a variance for the
17 requirements of the food code if the Commissioner of Public Health
18 determines that such variance would not result in a health hazard or
19 nuisance.

20 [(3)] (c) No permit or license to operate a food establishment shall be
21 issued by a director of health unless the applicant has provided the
22 director of health with proof of registration with the department and a
23 written application for a permit or license in a form and manner
24 prescribed by the department. Temporary food establishments and
25 certified farmers' markets, as defined in section 22-6r, shall be exempt
26 from registering with the Department of Public Health.

27 [(4)] (d) Each class 2 food establishment, class 3 food establishment
28 and class 4 food establishment shall employ a certified food protection
29 manager. No person shall serve as a certified food protection manager
30 unless such person has (1) satisfactorily passed a test as part of a food
31 protection manager certification program that is evaluated and
32 approved by an accrediting agency recognized by the Conference for
33 Food Protection as conforming to its standards for accreditation of
34 food protection manager certification programs, and (2) successfully
35 completed an allergen awareness training program approved by the
36 Commissioner of Public Health. A certified food inspector shall verify
37 that the food protection manager is certified upon inspection of the
38 food establishment.

39 Sec. 2. (NEW) (*Effective October 1, 2018*) (a) Not later than January 1,
40 2019, each certified food protection manager, as defined in section 19a-
41 36g of the general statutes, of a class 2, class 3 or class 4 food
42 establishment, as defined in said section, shall (1) include allergen
43 awareness as part of such manager's staff training, and (2) establish
44 guidelines for the interaction of staff with customers who have food
45 allergies. Such guidelines shall be incorporated into the food
46 establishment's standard operating procedures.

47 (b) Each class 2, class 3 or class 4 food establishment shall retain

48 records documenting its certified food protection manager's
49 completion of an allergen awareness training program, as required
50 under section 19a-36i of the general statutes, as amended by this act,
51 and make such records available for inspection by the food
52 establishment's municipal health department or district department of
53 health or by the Department of Public Health.

54 (c) Not later than January 1, 2019, each class 2, class 3 and class 4
55 food establishment shall develop procedures for informing customers,
56 upon request, of the presence of major food allergens in its menu
57 items.

58 (d) Not later than January 1, 2019, each class 2, class 3 and class 4
59 food establishment shall post in a clear and conspicuous manner on its
60 menus and menu boards a request for customers to notify their server,
61 prior to placing an order, of any food allergies.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2018	19a-36i
Sec. 2	October 1, 2018	New section

Statement of Legislative Commissioners:

In Section 1, the effective date was changed from "July 1, 2018" to "October 1, 2018" for consistency with other provisions of the bill, and in Section 1(c), "or license" was added after "permit" for consistency with other provisions of the section.

PH *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill, which makes requirements of Class 2, 3, and 4 food establishments, is not anticipated to result in a fiscal impact to the state or municipalities.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**sHB 5158*****AN ACT REQUIRING FOOD ALLERGY TRAINING IN RESTAURANTS.*****SUMMARY**

This bill establishes statutory requirements on food allergy awareness for Class 2, 3, and 4 food establishments, and the certified food protection managers they employ. Under the bill, certified food protection managers must:

1. successfully complete a Department of Public Health (DPH)-approved allergen awareness training and
2. by January 1, 2019, (a) include allergen awareness as part of their staff training, (b) establish guidelines for staff interaction with customers who have food allergies, and (c) incorporate the guidelines into the food establishment's standard operating procedures.

The bill also requires Class 2, 3, and 4 food establishments to:

1. retain records documenting certified food protection managers' completion of the required training and make the records available for inspection by DPH or local health departments;
2. by January 1, 2019, develop procedures for informing customers, upon request, of the presence of major food allergens (the bill does not define this term) in its menu items; and
3. also by this date, post in a clear and conspicuous manner on its menus and menu boards, a request that customers notify their server of any food allergies they have before placing an order.

Existing federal and state regulations require food allergy awareness training for food establishment employees (see BACKGROUND).

The bill also makes technical changes.

EFFECTIVE DATE: October 1, 2018

BACKGROUND

Classification of Food Establishments

By law, there are four classifications of food establishments based on (1) the types of food offered; (2) how it is prepared, cooked, and served; and (3) the population the establishment generally serves (i.e., those highly susceptible to food borne illness such as hospital or nursing home patients). For example, a Class 4 establishment conducts specialized food processes, such as smoking or curing, or serves a population highly susceptible to food-borne illness. A Class 3 establishment does not serve such a population and has an extensive food menu that includes many foods that are time-or temperature-controlled for safety and require complex preparation.

Food Allergy Training Regulations

PA 17-93 requires DPH, by July 1, 2018, to adopt and administer the federal Food and Drug Administration's (FDA) Food Code as the state's food code for regulating food establishments. (Previously, DPH regulated these establishments under the Public Health Code.)

The FDA Food Code requires the person in charge of a food establishment to ensure employees are properly trained in food safety and food allergy awareness as it relates to their assigned duties (2017 FDA Food Code § 2-103.11(n)).

Additionally, current DPH regulations require qualified food operators (now called certified food protection managers under the federal code) to be trained in identifying and recognizing the foods most commonly associated with food allergies (CGS § 19a-36a and Conn. Agencies Reg., § 19-13-B42).

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 22 Nay 5 (03/23/2018)